IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9289 OF 2004

Shri Bhatu Shamrao Borase..Petitioner

Versus

1. The State of Maharashtra & Ors...Respondents

Mr. N.V. Bandiwadekar, for the Petitioner
Mr. R.D. Rane, Govt. Pleader for respondetn Nos. 1 and 3.
Ms. Anita Bhaktawani, for Respondent Nos. 4 and 5.

CORAM: F.I. REBELLO &
DR.D.Y. CHANDRACHUD, JJ.
DATE : 10TH OCTOBER, 2005

P.C.:

. Rule. Learned Government Pleader waives notice for respondent Nos. 1, 2 and 3. Appearance put up on behalf of respondent Nos. 4 and 5. Heard forthwith.

2. The issues which arose in this petition are similar to the issues which arose in Writ Petition No.4747 of 2005 and other petitions which were disposed of by us on 15th September, 2005 and as corrected by subsequent order dated 23rd September, 2005. In view of that judgment this petition can be disposed of by issuing the following directions:-

(i). The respondent No.5 to submit a fresh proposal to respondent No.3 for approval to consider the petitioner’s claim initially as Shikshan Sevak and then as Assistant

Teacher if the petitioner has completed three years.

(ii) The respondent No.3 will consider reservation based on 34% in terms of Rule 9 of M.E.P.S. Rules.

(iii) After considering the 34% reservation even if there be a backlog and if there are posts available for open category candidates then to consider the petitioner's application for approval as Shikshan Sevak initially and thereafter as Assistant Teacher according to law.

(iv) Rule made absolute accordingly. No order as to costs.

(v) In the event the respondent No.3 grants approval to the petitioner as Shikshan Sevak then to release the said Honorarium which will be paid to the petitioner within a period of 12 weeks after the receipt of the approval.

(vi) The management to forward the proposal for approval within a period of four weeks from today and the respondent No.3 to decide the same within a period of 12 weeks thereafter after hearing all the concerned parties.

(F.I.REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)